

Form to be used by Prisoners in Filing a Complaint
under the Civil Rights Act, 42 U.S.C. § 1983

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

UNITED STATES DISTRICT COURT

2013 JUN -7 AM 11:59

FOR THE

DISTRICT OF VERMONT

CLERK

BY

DEPUTY CLERK

H3E

Mr. Yetha Idriss
Lumumba

(Enter above the full name of the plaintiff or
plaintiffs in this action)

vs.

Civil Action No. 1:13-CV-158

I/M Haywood Mack;
et al N.W.S.C.F. Col Preney;
et al CFSS Matthew Engels; et al NorthWest State Correctional Facility.
(Enter above the full name of the defendant or
defendants in this action)

I. Previous lawsuits

A. Have you begun other lawsuits in state or federal court dealing with the
same
facts involved in this action or otherwise relating to your imprisonment?
Yes ☒ OR No ()

B. If your answer to A is Yes, describe each lawsuit in the space below. (If
there is more than one lawsuit, describe the additional lawsuits on
another piece of paper, using the same outline).

1. Parties to this previous lawsuit

Plaintiffs:

1st lawsuit; Mr. Yetha I. Lumumba
2nd lawsuit; Mr. Yetha Idriss
Lumumba

Defendants:

1st lawsuit; Civil Action No. 2:13-CV-69
Col Jason Marquis, I/M Cleon Hunter; et al
CFSS Robert P. Berthiaume; et al Northern
State Correctional Facility.
2nd lawsuit; Case No. 1:13-CV-81 U.S.
Michael Beyor et al I/M Elijah Green; et al North
State Correctional Facility. (Rev. 10/94)

2. Court (if federal court, name the district; if state court, name the county):

3. Docket Number: ① 2:13-cv-69 ② 1:13-cv-81

4. Name of judge to whom case was assigned: John M. Casoy

5. Disposition (for example; Was the case dismissed? Was it appealed? Is it still pending?): Those two cases are still pending.

6. Approximate date of filing lawsuit: 1st: 04/12/2013 / 2nd: 05/12/2013

7. Approximate date of disposition: 1st 05/12/2013 / 2nd 05/17/2013

II. Confinement

A. Present Place of Present Confinement: Springfield, VT 05156

B. Is there a prisoner grievance procedure in this institution?
Yes ☒ No ()

C. Did you present the facts relating to your complaint in the state prisoner grievance procedure? Yes ☒ No ()

D. If your answer is Yes:

1. What steps did you take? I have filed all grievances procedure to the final step.

2. What was the result? There hadn't been any answer to my grievances.

E. If your answer is No, explain why not: NA

III. Parties

(In item A below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any).

A. Name of Plaintiff: M. Yetha Idor Lwumya
Address: 100 Charlestown Road, Springfield, Vermont 05156.

(In item B below, place the full name of the defendant in the first blank, his official position in the second blank, and his place of employment in the third blank. Use item C for the names, position, and places of employment of any additional defendants).

- B. Defendant Haywood Mack is employed as
inmate
 at Northwest State Correctional Facility
- C. Additional Defendant Matthew Engels is employed
 as CFSS
 at Northwest State Correctional Facility

additional: Official Perry, Col, Northwest state Correctional Facility.

IV. Statement of Claim

State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheet if necessary).

Please, may you welcome report enclosed?

I have attached a briefly as possible
the facts of my case statements, report.

You shall receive it on this mail.

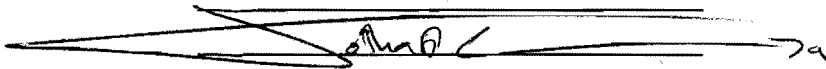
V. Relief

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

I want the court to be able to
have my attackers and the Department
of Corrections for monetary damages
of \$175,500.00.

VI. Signature (original signature must be on filed complaint)

Signed this 28th day of May, 2013.

A handwritten signature in black ink, appearing to be "John A. C.", written over three horizontal lines.

(Signature of plaintiff or plaintiffs)

I/We declare under penalty of perjury that the foregoing is true and correct.

Executed on: _____

Signed: _____

From: Mr. Yetha I. Lumumba

To: United States District Court of Vermont

Date: June 1, 2013

Concise Statement: Inmate Haywood Mack

On around 10/13/2012 right after dinner at NorthWest State Correctional Facility, I was assaulted by this inmate H.M..

When I came back from dinner to B Unit, I was invited to play spade cards by inmates.

Therefrom, I was O.K. to play cards with those inmates.

Soon after that, I was seating on one of those rounded bench table with other inmates. I was stiff, obviously uncomfortable, and all inmates looked as though they wanted to be anywhere other than where they were.

Please, you may check on that recording camera found in the Living Units' dayroom. Hence, pictures had been taken.

For that reason, there is enough evidences to support my claim.

This inmate Haywood Mack had started to ask me numereous questions about my casefiles, following this situation of mine in Vermont Corrections, V.T.D.O.C. questioning me continually without paying much attention on what I was advising him including other inmates. Questions such as: "Yetha, what happened between you and inmate Dwyan Morris?", "You gave him two soups to 'suck' your penis!?", "Do you like your former attorney?", "ha ha ha, Yetha, you get your penis sucked for two soups!?".

In spite of mine toughness and unwillingness to grant this inmate or all them inmates full texture of everything about casefile, or that negative rumors on "oral sex in jail", the texture of everything was different.

Here, and there, not too surpringly, right this minute, there was no spade card played, and I was getting ready to leave. I wanted to bounce out more desparately, but this inmate kept on asked me more similar questions "Do you get two soups for sex? like x4, or x5 times".

The only responses that I'd tried to simplify to this inmate along with other inmates was "No, I did not and I do not do that kinds of behaviors."

Next, my face expressed some confusing concerns with bounch of misunderstanding and worries. "What is that inmate fool gotten me into playing spade card anyways?". I didn't know the motive. But whatever it was, I was sucker punched above my left eye on my head.

Soon after that, I just couldn't imagine this inmate gotten involved with more inmates to struck my face with a closest fist.

I'd managed to cover up my face with my both hands.

From: Mr. Yetha Idriss Lumumba

To: United States District Court of Vermont

Date: June 1st, 2013

Inmate Haywood Mack continues...

Then, since I was badly hurt, I looked at the foreign inmates again and I stood up with a hurt out head. I looked battled.

So, I quickly went to the Unit bathroom to glance how bad this inmate hit my face. In that case, his close fist above my right eye looked like three injured bumps from one extreme punch.

I looked at the dayroom again and back in this assigned cell room of mine.

Approximately that, I've got the feeling this was what inmates and correctional officials were after to hurt me while pretending to play spade card. Matter of fact, it was facted that inmate wanted to struck me pretty badly.

I looked at the foreign inmates again and shook my head.

On the other hand, I'd recalled how inmates had later on coerced me to play spade card with them.

Before, during, and after this alleged assault, this inmate H.M. always gives me a small, uncertain smile.

Playing spade card was the reason why I step in the table.

Consequently, playing that spade card were taking so long based on challenges to match their stupidity goal to smack my head with a closest hand fist. For that reason, challenges were one thing; while stupidity was quite another.

I couldn't see at all, this inmate just run off, especially since this inmate had just hit me from my right side hoping to get away from it.

Several inmates came around the table where I was at, and this inmate only concentrated from the ruin and stared at me alone questioned me about my confidential courting. I've never seen inmate this concerned, but it elicited the same feelings of unease of awkwardness, even though I had set foot there in that table at least once to chill out while hanged out with inmates.

In front of me, there was a black inmate stood with and unsmiling older inmates gotten the cards ready to play spade.

This other inmate "Miller" along with his accomplices, later on told me "Yetha, your head is hard like an African hunter", "the punch hit sounded "pan" like brick".

Case 1:13-cv-00158-jgm-jmc Document 3-3 Filed 06/07/13 Page 7 of 7
From: Mr. Yetha I. Lumumba
To: United States District Court For The District of Vermont
Date: 06/01/13

Inmate Haywood Mack continues...

Prior to be assaulted by this inmate, I'd leaned back a little, studied the situation a moment, then decided to be distracted by this inmate who had kept on asking me the same questions "Do you suck a dick for two soups? Xmultiple times.

At that time, I was 100% ready to leave the table but this inmate'd blinded me out along with accomplices.

This inmate had jerked his arm back and punched me above my left eye on my front lobe. Hard enough that I couldn't self-defend myself. My head snapped back, blood tricked from the corner of my eye, from near my nose, Blood oozed over my hands from above my left eye and over.

Therefore, I'd blinked my eyes hoping it shouldn't be as serious as the one that happened to me way back in the winter of 2008.

In that case, this inmate sat bold down, slicked slowly slowly toward the table closer to my face. Then, he had raised his hand very rapidly in me and trucked out his close fist above my left eye.

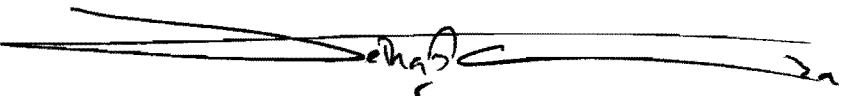
Thence, it was an easy swing for this inmate, but he hadn't taken one thing into account from the niceful and peaceful I'd expressed to him including inmates around the table.

Soon after this inmate had jerked back his arm, balled his finger into a fist, and smashed me in my face. Salute. This H.M. had realized there was no one else around who might get him in trouble such as correctional officials. Right away it'd appeared this inmate turned and vanished through the fire table.

His own curiosity and the comment angered him!? For some reason, I felt coerced to defend my attorney S.M.D. and myself to inmates.

This inmate had hit me hard enough to a point where my left eye felt sandy with crying dreep and blurry vision.

Sincerely


Mr. Yetha Idriss Lumumba

S.S.C.F.

IM NO 128 855